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# Parole in North Carolina

A. W. McALISTER



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## PAROLE IN NORTH CAROLINA\*

**W**ITHIN a few steps of this place of our assemblage, just across the street in the next block, is the place of the birth and the boyhood of the greatest short story writer who ever lived. Maupassant is not even his close second, the critics to the contrary notwithstanding. Let us think for a moment what it would have meant to William Sydney Porter or O. Henry, if as he faced the penalty of the law for the offense which he probably never committed, the law had held out to him anything to hearten or encourage. Think of the degradation that he suffered to no purpose, and think of the years of creative fruitfulness that were lost to the world while he was ground down in prison, all because the law lacked the intelligence to see that he was entitled to a chance. An intelligent and humane parole might have saved to O. Henry the man those desolating days, and might have given to O. Henry the writer added years for

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\* Address delivered at the last annual convention of the North Carolina Conference for Social Service in Greensboro.

the exercise of his amazing alchemy. It is altogether fitting that here almost within the shadow of the birthplace of this victim of the law's unintelligence, the North Carolina Conference for Social Service should enter upon its first study of this subject of parole.

It may be interesting also to mention by way of preface that this subject of parole was brought to the attention of the Conference by the Men's Club of a church. This is especially interesting because it is a new thing in the experience of the Conference to have any subject of any kind brought to it by a church. Let us hope that this may be the beginning of an era of closer relations between the churches and the Conference, for surely it is neither illogical nor unscriptural for an organization like this, committed to the service of humanity, to have the warmest, most whole hearted support and coöperation from an institution founded upon the teachings of Him who said "if any would be chief among you, let him be your servant," and who both by precept and example placed the supreme emphasis upon service to your fellow man. The suggestion from the Men's Club of the church referred to grew out of their experience in an effort to secure the parole of a man sentenced to the county convict



camp upon evidence that was not conclusive, and whose family, which included several small children, was left in a state of extreme destitution. To crown this man's misfortune, immediately following his imprisonment, his seventeen year old daughter, the only support of the family after he was taken away, went down with a serious sickness of two months' duration. If there ever was a case for the exercise by the law of an intelligent and humane initiative this was one.

The results in this case justified all the effort and thought and interest that were put into it. It saved a man and a man's family. That man since his release from the chain gang has a record of good citizenship. He has conducted himself as a self respecting man, he has supported his family, he has won the respect of his neighbors, he has built a house for his family, and he and his wife have joined the church. What would have been the probable fate of that man and his family if after his imprisonment and disgrace they had been left to look out for themselves?

May I cite another case? Some time ago two seventeen year old boys were convicted on their own submission in the superior court of Guilford county of holding-up and robbing a man of six dollars and a pocket knife. They were first

offenders and proved a previous record of good conduct. It is not known whether they were playing Robin Hood, or imitating some similar episode which they had witnessed in a moving picture theatre, or reënacting some story that they had found in our current literature. It is not known what influenced these boys of previous good character to break loose as highway robbers, but they were sentenced to one year on the county roads, the lightest sentence the judge could pronounce under the law. The kindly judge told them that five years was the usual penalty for such an offense but that he would do the best he could for them and make it one. Now what will that minimum penalty, minimum penalty alone, do for those boys? One year on the roads, in the county convict camp, in association with hardened criminals, under the tutelage of the average convict guard. What sort of a chance is that for any boy? What sort of a chance would it be for your boy or mine? What escape from moral ruin is there for those boys? They have been sentenced to a career of rebellion against society because that is just what their punishment is designed to accomplish. The ostensible purpose of that one year's sentence on the roads is to bring those boys to their sober senses



and to save them; but we know that nothing could be more skillfully designed for their eternal damnation. Now let us suppose that it had been the duty and privilege of our superintendent of public welfare, as the county parole officer, to go to see these boys at the beginning of the serving of their sentence and show them her interest and friendship and give them encouragement. And let us suppose that as the representative of the law she could say to them, "you haven't come to the end of things, you have played the wild and the fool, but there is another chance for you if you have got it in you to take that chance. If you will behave yourself while you are here, I will take you out and find a job for you and be your friend, and you can stay out as long as you behave yourself, and will report to me once a week and satisfy me that you are doing your duty; but if you have not the sand to do that, you will have to come back here and serve the rest of your sentence. Here is your chance for freedom, for manhood, and for happiness. Will you take it?" That would give those boys something to work for and live for. What actually happened was that an organization of boys in a local church and the county superintendent of public welfare took an interest in these boys,

regularly "visited them in prison," got a job ready for them, and secured their parole. These boys went to work, behaved themselves, and made good.

This is an example brought near home of what this thing of parole would do, if this sort of humane and intelligent application of it could be made promptly and systematically by county authorities to prisoners in county institutions.

This case, so splendidly illustrative of the principle, brings us squarely up before the proposition of a county system of parole. The only real solution of the prison problem is a unified state system under which all prisoners would be confined in state institutions, in which the following facilities would be furnished for the training of convicts in good citizenship:

- x 1. Mental and physical examination with special treatment when required.
2. Work which teaches each man a trade.
3. Resident chaplains who keep in touch with every prisoner.
4. An efficient state parole system.
5. Compulsory education for illiterates and educational opportunity for all.

6. Just enough recreation to give zest to the work required, and such as will contribute to mental, physical and moral well-being.

This is the ideal system which we should never lose sight of and which North Carolina *must* have in due time. However, we are going to have to wait until taxpayers are willing to see their money literally poured into the equipment that is necessary for the reclaiming care of those in confinement for violation of law. We are going to have to wait until legislatures have caught a vision of service in prison administration, and until they have attained to such an estimate of the opportunity for good in the sane and humane application of penalties, that they will be unwilling to see prison efficiency hampered by political entanglements. We are going to have to wait until counties are unwilling any longer to exploit their prisoners for profit. In the meantime, it would seem to be the part of wisdom, as long as counties insist upon handling their prisoners, to evolve a county system that will go as far as practicable in securing to the prisoners the benefits such as we have described as appertaining to the ideal state system. Something, but not a great deal, can be done in the direction of mental and physical examination of county prisoners with spe-



cial treatment ; something perhaps, but very little, can be done by way of providing vocational work for county prisoners ; something, but not much, can be done towards providing the individual service of chaplains ; something, but in a very limited way, can be done towards furnishing any educational opportunity to those confined in jails or on chain gangs ; little if any recreation can be provided. But a county system of parole can be worked out whose benefits will be boundless in the reclamation of men.

✓ It so happens that we have already to our hand in our county departments of public welfare the very machinery needed for a county system of parole. If our county departments of public welfare had been designed for the deliberate purpose of administering satisfactorily the parole of county prisoners, they would have been planned pretty nearly as now constituted. Add to the county board of public welfare, the juvenile court judge and possibly the sheriff on account of his knowledge of the prisoners dealt with, and you will have an ideal county board of parole. The law already designates the county superintendent as parole officer, and such assistant parole officers as may be needed can be provided for by legis-

lation. There you already have the machinery set up, and all you have to do it to set it in motion.

No county board of parole should be allowed to function until adequate parole-officer provision has been made nor until the consent of the commissioner of public welfare has been obtained.

I will not undertake to outline in detail, but only in general terms, the legislation that will be required. The courts of some states have held that the power of parole is part of the pardoning power. The courts of other states have held that it is not. If our supreme court should hold that the power of parole is part of the pardoning power, there would be a constitutional obstacle to the exercise of parole power by county boards of parole; but in that case, the power of recommendation of parole could be given to county boards of parole, with the final granting of it in the hands of the governor as at present. This check upon hasty and ill-advised parole, involved in the governor's approval, would probably be a wholesome thing in the working of a parole system. At any rate it would not be fatal to the proposed plan. All such recommendations to the governor should first be approved or disapproved by the solicitor of the district, as this would be

an additional check against the reckless granting of parole by irresponsible county boards. The approval of the superior court judge should not be required as under the present law the judicial itinerary frequently renders the judge difficult of access. Some legislation will be needed:

1. A maximum sentence law under which the term of the sentence could be reduced at any time that the parole board should judge it to be desirable. Probation, in some instances, for adults also seems desirable.

2. A law creating county boards of parole and defining their powers.

3. A law requiring notice of commitments to be given to the county parole officer, and prescribing his duties, such as immediate interview with the prisoner, investigation of his physical condition, history and previous environment, training, companions, habits, education, vocation and social attitude; supervision during the period of parole, employment during and at expiration of parole, provision at time of parole for suitable clothing and other necessities. No prisoner should be released on parole until satisfactory arrangements have been made for his or her honorable and useful employment in some suitable



occupation and also for a proper and suitable home, free from criminal influences.

4. A law or rules providing for the selection and investigation of a sponsor or first friend for each paroled prisoner, this sponsor or first friend to keep the parole officer informed as to the conduct, occupation, home surroundings and employment of his charge.

5. A law making it the duty of prison authorities whenever a prisoner is paroled to notify the superintendent of public welfare of the county to which the prisoner is returned, accompanying said notice with a copy of his prison record and any information upon which his parole was based. The law should prescribe a penalty for non-performance of this duty. The county superintendent or parole officer should make at least monthly reports to some central state authority as to conduct, habits, health, employment and associations of such paroled state prisoner. Provision should be made for such state parole officers as may be necessary to supplement the county parole officers.

6. A law placing the appointment of county superintendents or parole officers in the hands of county boards of public welfare, so as to remove this responsible office from the control or manipulation of politics.

7. Provision for such adequate compensation for parole officers as to command a high type of service. In other words the position of parole officer is one of great responsibility. His job is the fine one of making the man committed to his charge want to be a good citizen. High qualifications will be required for that task. There will be required for the responsibilities of that position the same type of men and women as those now serving most successfully as superintendents of public welfare, and as secretaries of our Y. M. C. A.'s, Y. W. C. A.'s and Chambers of Commerce.

Most of the foregoing provisions can probably be incorporated in one piece of legislation.

In order that definite progress may be made by this Conference towards the extension of the benefits of parole to prisoners sentenced to county institutions, I suggest:

1. That the Conference go on record as favoring a county parole system, until such time as it becomes practical for the state to handle and care for county prisoners.
2. That a committee of the Conference be requested to draft a bill or bills providing for such a county system of parole.

3. That a special committee be appointed by this Conference to secure the enactment of such legislation by the next legislature.

Let us not leave this discussion without catching up a few loose threads. An efficient parole system does not wait for the intercession of relatives and friends but takes the initiative and makes intelligent application of parole to those who can profit by it. Only those can profit by parole in whom can be aroused the desire to make good as industrious law-abiding citizens. To such ones parole is an unmixed blessing. Where this desire is lacking parole is no benefit to anybody and should not be resorted to. Probably the best evidence of this favorable state of mind is furnished by a period of good behavior under restraint. Parole can be and should be extended with a degree of cautious freedom in the case of first offenders, but with extreme caution to repeaters, if at all. The services of community organizations, as well as that of individuals, such as Y. M. C. A.'s, Y. W. C. A.'s, the Salvation Army, Bible classes, churches, Rotary, Kiwanis and Civitan clubs can be commandeered in the administration of parole and should be used freely. The granting of parole is such a serious responsibility that a first essential to any



satisfactory system is properly qualified men and women as members of parole boards and as parole officers.

In passing let me set at rest the current charge that the unwise exercise of parole is responsible for the prevailing increase in lawlessness. This is one of those plausible explanations of conditions which become current without any facts to support them. There is no evidence whatever that parole intelligently and humanely administered is not a highly useful agency in the reclamation of men.

In conclusion, let me epitomize very briefly. The ultimate goal should be a state system equipped for handling all prisoners including those now committed to county institutions; but until the state is able and willing to develop some efficient and humane system, and as long as prisoners are committed to county institutions, a county system of parole, with our present county welfare system as an inexpensive and practical basis for its development, seems to give promise of great usefulness in the reclamation of men.











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